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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,987	06/05/2006	Hiroyuki Ishida	1343.45109X00	1375
20457 7590 12/18/2007 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER PHILLIPS, FORREST M	
			ART UNIT 2837	PAPER NUMBER
			MAIL DATE 12/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,987	<b>Applicant(s)</b> ISHIDA ET AL.	
	<b>Examiner</b> Forrest M. Phillips	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Schroeder (US6598700).

With respect to claim 1 Schroeder discloses a speaker cabinet (20 and 30 in figures 2a and 2b) composed of a mixture of a non-chlorinated resin and a cellulose powder, wherein the powder consists of particles whose diameters are included in a range from about 5 microns to about 500 microns (Column 5 lines 40-64) (size listed in mesh size, accompanying conversion chart demonstrates the sizes listed fall within the range claimed.)

With respect to claim 2 Schroeder further discloses wherein the content by weight of the cellulose powder in the mixture is from about 30 to 70% (Column 5 lines 45-50).

With respect to claim 3 Schroeder further discloses wherein the resin is selected from the group consisting of polyolefin resins, polyester resins, polyester resins and polystyrene resins (Column 5 lines 55-60).

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With respect to claim 6 Schroeder further discloses wherein the cellulose powder has an intrinsic perfume, inherent in it being wood fibers, and the mixture is molded at a temperature within the range from 160 to 200 degrees centigrade (Column 8 lines 5-10, specifically 350 degrees Fahrenheit converts to approximately 176 degrees C).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder in view of Yamaguchi et al (US6271288).

Schroeder discloses the invention as claimed except wherein the cellulose powder is surface treated to increase its affinity for the resin, wherein the cellulose powder is surface esterified using a polybasic anhydride so as to increase affinity for the non-chlorinated resin, and wherein the mixture further comprises an organic peroxide.

Yamaguchi discloses a moldable non-chlorinated resin and cellulose mixture wherein the cellulose material has been esterified using a polybasic acid anhydride and the mixture further comprises an organic peroxide (abstract).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the teachings of Yamaguchi to use such a mixture in the creation of a

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moldable material with the cabinet of Schroeder to provide an improved melt tension (Column 1 lines 30-35).

Claim5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder in view of Sato et al (US20050014870).

With respect to claim 5 Schroeder discloses the invention as claimed except explicitly the mixture is colored with a colorant.

Sato discloses a material having a resin, cellulose material and being colored by a colorant, which can be used in the manufacture of cabinets (refer to paragraphs 107,120 and 125).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the use of a colorant to a resin material with the speaker cabinet of Schroeder for aesthetic reasons, such as a consistent color of product and concealing the interior of the speaker.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to form 892.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Forrest M. Phillips whose telephone number is 5712729020. The examiner can normally be reached on Monday through Friday 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 5712721988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FP

  
EXAMINER